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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,271	07/21/2003	W. Kenneth Menke	54071-39855	7481
21888	7590	08/10/2006	EXAMINER	
THOMPSON COBURN, LLP ONE US BANK PLAZA SUITE 3500 ST LOUIS, MO 63101				LEE, GUIYOUNG
		ART UNIT		PAPER NUMBER
		2875		

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/624,271	MENKE ET AL.
	Examiner	Art Unit
	Guilyoung Lee	2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Prelim./Amdt.***

1. Receipt is acknowledged of the Pre-Appeal Brief Request for Review filed 06/30/2006.
2. Claims 1-20 are pending.

### ***Response to Pre-Appeal Brief Request for Review***

3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Eby (US 3,721,374), Stevens (US 5,481,441), Stanesic et al. (US 5,522,634) and Ohlenforst et al. (US 4,488,141).

### ***Allowable Subject Matter***

4. The indicated allowability of claims 12, 14 and 16-20 is withdrawn in view of the newly discovered reference(s) to Stevens (US 5,481,441) and Stanesic et al. (US 5,522,634). Rejections based on the newly cited reference(s) follow.

### ***Claim Objections***

5. Claims 1, 12, 16 and 18-20 are objected to because of the following informalities: With regard to claims 1, 12, 16 and 19-20, the phrase "the light bar" (line 12 of claim 1, line 13 of claim 12, line 13 of claim 16, line 3 of claim 19, line 3 of claim 20) is extraneous and should be changed to "the support" so that the phrase does not conflict with preamble. With regard to claims 18 and 19, the phrase "the mounting bracket" lacks of antecedent basis in the claims. The phrase should be changed to "the at least one mounting bracket". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 6-9, 11, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eby (US 3,721,374) in view of Stanesic et al. (US 5,522,634).

8. Re claims 1, 8-9, and 11: Eby discloses a light bar for a vehicle, the light bar comprising an elongate support (11); a plurality of light assemblies (51 in Fig. 2) connected to the support (30) in position that are specially arranged along the length of the support and, the support being flexible along the length of the support enabling the support to bend in a curved configuration that follows the curve of the top edges of the rooftop of the vehicle (See the bendable support 30 in Fig. 8), and at least one mounting bracket (36) having means (the bolt and nut in Fig. 10) for connecting the mounting bracket to the light bar and having means (the bight portion 37 in Fig. 10) for connecting the mounting bracket to the vehicle to hold the support and the plurality of light assemblies connected to the support in positions. Eby's elongated support having a plurality of light assemblies is extending across the roof top of a vehicle. Eby does not disclose that the mounting brackets are located near the top edge of a vehicle so that the elongated support is extending across either of the front facing or rear facing windows along the window top edge. However, Stanesic discloses a light bar having an elongated support (10), a plurality of light

assemblies (40) connected to the support (10), and at least one mounting bracket (16 and 18) having means (34) for connecting the mounting bracket to the support and to the vehicle to hold the support and the plurality of light assemblies (40) connected to the support in positions extending across the front facing window adjacent the top edge of a vehicle. Stanesic's mounting bracket is located near the top edge of a vehicle (See 16 and 18 in Fig. 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate Eby's mounting bracket near the top edge of the vehicle as taught by Stanesic so that the support having a plurality of light assemblies extends across the front facing window adjacent the top edge of a vehicle, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.); *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice). However, "The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter.1984).

Re claims 2, 6, and 15: Stanesic's elongated support and the plurality of light assembly is in positions in front of the top edge of the window, and the plurality of light assemblies being connected to only the front surface of the support(See 8, 9, 11, 12 in Fig. 1).

Re claim 3: Eby discloses the mounting bracket including the bight portion 37 holds the elongated support 11 and the plurality of light assemblies 51 below the top surface of the (See 37 in Fig. 10).

Re claim 7: Eby discloses a plurality of separate cases mounted to the elongated support and arranged along the length of the support (See 51s in Fig. 2).

Re claim 13: Eby does not disclose that each case of the plurality of cases contains a light assembly of the plurality of light assemblies. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Eby's case to include a plurality of light assembly in the case because it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

9. Claims 4-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eby and Stanesic as applied to claim 1 above, and further in view of Ohlenforst et al. (US 4,488,141).

Re claims 4-5 and 10: Eby and Stanesic are silent with regard to the limitation of "the mounting bracket being connectable to the vehicle window by an adhesive. Ohlenforst teaches a mounting bracket means (44) being connectable to the vehicle window (1) by an adhesive (46 in Fig. 7). Ohlenforst further teaches the advantage of attaching the light unit to the vehicle window by saying that " it is therefore an object of the invention to provide for a glass pane having a signal light unit rigidly mounted thereon which will be attractive, not necessarily restrict the field of

vision (col. 1, lines 20-24)”. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Eby’s mounting bracket being connectable to the vehicle window by an adhesive as Ohlenforst taught, motivated by the teachings of Ohlenforst above.

10. Claims 12, 14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eby and Stanesic in view of Stevens (US 5,481,441). The teachings of Eby and Stanesic have been discussed above.

Re claims 12, 14 and 16-20: Eby reference and Stanesic reference are teaching all the claimed limitations in claims 12, 14 and 16-20 except the limitation “ a plurality of separate cases being moveable relative each other in response to the support”. Stevens discloses an adjustable light bar having a plurality of cases (70, 110, 150, 190), and that the plurality of cases are moveable relative to each other in response to the support (see Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made modify Eby’s separate cases being moveable relative each other as taught by Stevens in order to adjust beam direction to a predetermined aiming point.

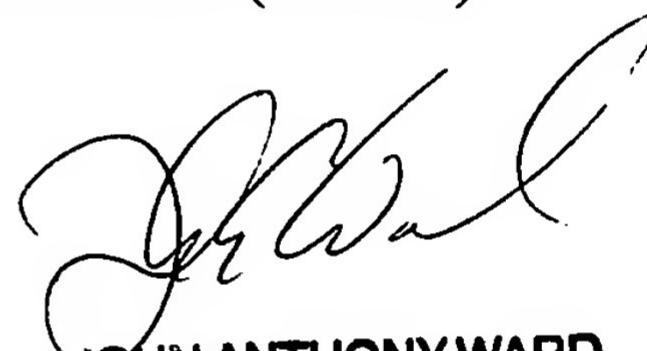
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



JOHN ANTHONY WARD  
PRIMARY EXAMINER